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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/468,254	12/20/1999	TERRY P. MAHONEY	10992003-1	3404

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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER

MILLER, MARTIN E

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

10

**Advisory Action**

Application No.

09/468,254

Applicant(s)

MAHONEY ET AL.

Examiner

Martin Miller

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

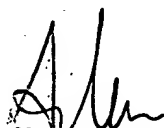
Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☒ The proposed drawing correction filed on 5-12-03 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: See Continuation Sheet

Continuation of 5. does NOT place the application in condition for allowance because: With respect to applicant's arguments regarding Yamaguchi not being directed to a reprographic device, from the equipment set up shown in fig. 29A in combination with the teachings at col. 5, l. 64-col. 6, l. 1, one of ordinary skill in the art would have been able to reproduce a document for distribution to participants. With respect to the hand movement argument, applicant has disclosed in the specification (p. 5, ll. 13-23) that this is a minor adjustment for detecting motion, Yamaguchi teaches that the hand movement is associated with the presentation of the document (col. 15, ll. 23-25). One of ordinary skill in the art could have taken the teaching of Yamaguchi and used the infrared sensor taught by Yamaguchi to achieve motion detection of a document. The modification is so minor that applicant's specification provides no details of how the motion detection is performed. With respect to applicant's arguments that Hecht's marks do not contain identification information or processing instructions, applicant is directed to col. 8, ll. 1-15, which shows clear identification of the document and col. 6, ll. 35-45, for Hecht's teaching of processing instructions. As stated in the office action, the examiner is using the voice commands of Russell as a well known substitute of the keyboard instructions of Hecht. .

Continuation of 10. Other: Applicant states that 22 claims were originally filed and that the claim numbering is proper. However, in the file wrapper before the examiner the specification has 14 pages. On page 14, there are eleven lines of claim 20 continued from page 13 and there are 3 lines of claim 21. No where else on the page is there listed a claim numbered 22. If Applicant filed 22 claims, he is requested to identify the page and line number of where claim 22 is located. As the matter now stands, claim 23 will be numbered as claim 22. So claims 1-22 are pending for purposes of appeal. .

  
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